

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**N. ANN PIWINSKI,**

**Plaintiff,**

**vs.**

**Civil Action 2:10-cv-01087**

**Judge George C. Smith**

**Magistrate Judge E. A. Preston Deavers**

**WELLS FARGO BANK NA, *et al.*,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of Defendants' Motion to Continue to Stay Discovery (ECF No. 16). On March 10, 2011, following the Preliminary Pretrial Conference, the Court stayed discovery in this case pending further briefing. On March 24, 2011, Defendants filed their Motion to Continue to Stay Discovery. Defendants maintain that the Court should stay discovery until it has resolved Defendants' pending Motions to Dismiss (ECF Nos. 5, 6). Defendants assert that a stay is justified in part because they assert immunity defenses in their Motions to Dismiss. Plaintiff has not responded to Defendants' Motion to Continue to Stay Discovery.

The Federal Rules of Civil Procedure "permit[] a district court to issue a protective order staying discovery during the pendency of a motion for 'good cause shown.'" *Bowens v. Columbus Metro. Library Bd. of Trs.*, No. 2:10-cv-00219, 2010 WL 3719245, at \*1 (S.D. Ohio Sept. 16, 2010) (quoting Fed. R. Civ. P. 26(c)). This Court has broad discretion in determining whether to "stay discovery until preliminary questions which may dispose of the case are

answered.” *Bangas v. Potter*, 145 F. App’x 139, 141 (6th Cir. 2005) (citing *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir.1999)). Furthermore, this Court has noted that a stay of discovery pending ruling on dispositive motions may be appropriate when the dispositive motion “raises an issue such as immunity from suit . . . .” *Williams v. New Day Farms, LLC*, No. 2:10-cv-0394, 2010 WL 3522397, at \*2 (Sept. 7, 2010).

Because Defendants raise an issue of immunity in their pending Motions to Dismiss, and because Plaintiff has not responded in opposition to a stay, the Court finds that a stay of discovery is appropriate in this case. Accordingly, discovery is **STAYED** in this case pending resolution of Defendants’ Motions to Dismiss. If these Motions do not dispose of the case, the Court will set a status conference to address the pretrial case schedule.

**IT IS SO ORDERED.**

Date: April 20, 2011

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers  
United States Magistrate Judge